

# HCP/CDDO Policy

**Regarding:** Eligibility Determination

**Approval Date:** May 17, 2001

**Effective Date:** July 1, 2001

**Revised:** April 26, 2004

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## Policy Language

### **Eligibility Determination for MR/DD Services for Kansas Residents**

The purpose of this policy is to outline how a person is determined eligible to receive MR/DD services in Kansas. This policy does not address eligibility for funding sources.

### **Eligibility Criteria**

Consistent with K.S.A. 39-1803 (f) and (h), persons who are residents of Kansas and who are mentally retarded or otherwise developmentally disabled are those whose condition presents an extreme variation in capabilities from the general population which manifests itself in the developmental years resulting in a need for life long interdisciplinary services. The following identifies those who, among all persons with disabilities, are the most disabled, as defined below.

### **Mental Retardation Definition**

Mental Retardation means substantial limitations in present functioning that is manifested during the period from birth to age 18 years and is characterized by significantly sub-average intellectual functioning existing concurrently with deficits in adaptive behavior including related limitations in two or more of the following applicable adaptive skill areas:

1. Communication
2. Self-care
3. Home living
4. Social skills
5. Community use
6. Self-direction
7. Health and safety
8. Functional academics
9. Leisure
10. Work

As stated in the SRS-Mental Retardation and Developmental Disabilities Eligibility Handbook (October, 1998), an Axis II diagnosis of Mental Retardation, made by a healthcare professional that is licensed to make a DSM-IV diagnosis, is required.

### **Developmental Disability Definition**

Other developmental disability means a condition such as autism, cerebral palsy, epilepsy, or other similar physical or mental impairment (or a condition which has received a dual diagnosis of mental retardation and mental illness) and is evidenced by a severe, chronic disability which:

1. Is attributable to a mental or physical impairment or a combination of mental and physical impairments, AND
2. Is manifest before the age of 22, AND
3. Is likely to continue indefinitely, AND

4. Results in substantial functional limitations in any three or more of the following areas of life functioning:
  - a. self-care,
  - b. understanding and the use of language,
  - c. learning and adapting
  - d. mobility
  - e. self-direction in setting goals and undertaking activities to accomplish those goals,
  - f. living independently
  - g. economic self-sufficiency, AND

To further clarify substantial functional limitations, the CDDO may, but is not required to, use the Eligibility Determination Instrument (EDI) or other professionally accepted, standardized methods of functional assessment.

5. Reflects a need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services, which are lifelong, or extended in duration and are individually planned and coordinated.
6. Does not include individuals who are solely severely emotionally disturbed or seriously and persistently mentally ill or have disabilities solely as a result of infirmities of aging.

#### **Children with a Developmental Disability**

For children under the age of six, developmental disability means a severe, chronic disability which:

1. Is attributable to a mental or physical impairment or a combination of mental and physical impairments, AND
2. Is likely to continue indefinitely, AND
3. Results in at least three (3) developmental delays as measured by qualified professionals using appropriate diagnostic instruments or procedures, AND
4. Reflects a need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are lifelong or extended in duration and are individually planned and coordinated, AND
5. Does not include individuals who are solely severely emotionally disturbed or seriously and persistently mentally ill.

#### **Procedures**

1. The CDDO must designate a person to be responsible for the activities related to serving as the single point of contact and service application, eligibility determination, and information and referral. The CDDOs must make this responsible person available for up to 40 hours of training per year by HCP/CSS.
2. The CDDO must inform all persons whom it has determined do not meet the MR/DD criteria that they may have the determination reviewed by an independent third party. If the person requests a re-determination review, the CDDO must make a good faith effort to arrange for such a local review to be done by a person who is appropriately trained in MR/DD eligibility determination and who is not financially associated with the CDDO.
3. If, upon reconsideration, the determination is unchanged, persons shall be notified they have the right to request an administrative appeal, which must be submitted in writing within 30 days of the final local notification. Once HCP/CSS is informed of an appeal HCP/CSS shall notify the CDDO which will send all determination records to HCP/CSS within 72 hours. The CDDO shall also be available for and attend all eligibility hearings at the request of HCP/CSS. Requests to the Office of Administrative Hearings, shall be sent to:

Office of Administrative Hearings  
1020 S. Kansas Avenue  
Topeka, Kansas 66612

4. Re-determinations to confirm continued eligibility may be performed at the discretion of the area CDDO.

### **Definitions Related to Eligibility Determination for MR/DD Services**

Communication: Skills include the ability to comprehend and express information through the spoken word, written word, graphic symbols, sign language or through facial expressions, body movement, touch and gesture.

Self-care: Skills involved in toileting, eating, dressing, hygiene, and grooming.

Home-living: Skills related to functioning with a home, including clothing care, housekeeping, food preparation and cooking, budgeting, and home safety.

Social: Skills related to social exchanges with others, including imitating, interacting, and terminating interactions, receiving and responding to pertinent situational clues, recognizing feelings, providing feedback, regulating one's own behavior, making choices, sharing, controlling impulses, conforming conduct to laws, and displaying appropriate socio-sexual behavior.

Community use: Skills related to the appropriate use of community resources.

Self-direction: Skills related to making choices, learning and following a schedule, initiating activities appropriate to the setting, conditions, schedule, and personal interests, completing necessary or required tasks, seeking assistance when needed, resolving problems, demonstrating appropriate self advocacy skills.

Health and safety: Skills related to maintenance of one's health in terms of eating, illness, treatment, and prevention.

Functional academics: Cognitive abilities and skills related to learning at school that have direct application in life. The focus is on acquisition of academic skills that are functional in terms of independent living.

Leisure: The development of leisure and recreational interests that reflect preferences and choices of the person.

Work: Skills related to performing a part or full time job or jobs in the community in terms of specific job skills.

Severe, chronic disability: The person must meet ALL the conditions outlined in position #MRDD 92-1. This would imply extreme variation from the general population in capabilities as well as a condition of long duration that is likely to continue indefinitely.

Manifest before the age of 22: The condition is clearly apparent and obviously in place prior to a person's 22nd birthday.

Substantial functional limitations: Limitations should be considerably different from the general population regarding an individual's ability to perform in the Areas of Life Functioning. If this is not obvious, then the Eligibility Determination Instrument (EDI), or other professionally accepted, standardized method of behavioral assessment, should be administered.

Combination and sequence: More than one kind of service or support occurring simultaneously, with different service/support composites occurring in succession.

Lifelong: Without known end; with an expectation of lasting throughout a person's life.

Individually planned and coordinated: Arranged for each person with explicit needs, goals, objectives, time frames, or procedures identified for that person and managed by a separate person or process, which assures the services and supports are not conflicting or duplicative at any given time or over time.

Significantly sub-average intellectual functioning: A score of two standard deviations or more below the mean as measured by a generally accepted standardized individual measure of general intellectual functioning.

Resident of Kansas: A resident of Kansas is a person residing in the state with the intent to remain in the state. Persons who are transients are not citizens of Kansas. Persons who are DD and who have guardians living out of state cannot form intent and therefore cannot, of their own accord, become residents. No CDDO has an obligation to accept as a resident someone sent from another state by their guardian to reside in Kansas. However, once someone lives in Kansas without state support, if even for a short time, they may be required to be treated as a resident.